

REMARKS

Claims 1-7 and 12-39 are pending in this application. Claims 1-7 and 12-39 currently stand rejected. Reconsideration and allowance of the present application are respectfully requested in light of the following remarks.

Advisory Action and Remarks

The Advisory Action of February 1, 2010 indicated that the claim amendments submitted January 11, 2010 would not be entered because they raised new issues. Applicants note, as they did in the January 11, 2010 response, that the amendments to the claims merely incorporated elements from dependent claims into the independent claims and argued the incorporated subject matter. Applicants have thus made no amendments to the claims and present them as entered from the response of September 10, 2009. Applicants repeat the comments regarding the subject matter of the dependent claims missing from the applied references below. A new office action indicating the allowability of the argued dependent claims is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 1-7 and 12-39 stand rejected under 35 U.S.C. §103(a) as being anticipated by US Pat 6,385,389 to Maruyama et al. ("Maruyama") in view of US Pat Pub 2002/0110369 to Mori et al. Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claims 3, 4, 17, 18, 23, 24, 29, 30, 35, and 36, the Examiner alleges that the navigation pack of Maruyama, in FIG. 12, discloses a navigation pack 86 including a pack header 110 that corresponds to the recited “a first indicator **indicating a playitem where the first mark is placed**, and wherein the second mark includes a second indicator **indicating a playitem where the second mark is placed.**” Applicants respectfully submit that the pack header 110 contains a pack start code, a system clock reference, and a multiplexing rate. *See* Maruyama, Col. 14, ll. 38-41. None of this information identifies the navigation pack 86 or indicates that the pack header 110 is in any particular navigation pack 86. Indeed, in the single brief paragraph where Maruyama describes information in the pack header, Maruyama suggests that each piece of information is used in MPEG2 decoding. *See* Maruyama, Col. 14, ll. 38-39. As such, a “pack start code” is most likely an instruction to begin decoding, and, at any rate, does not necessarily meet or suggest identification information having the recited functionality.

With regard to claims 6, 20, 26, 32, and 38, the Examiner alleges that Maruyama discloses mark information “**indicating a number of marks**” in FIG. 27 by pack sector numbers in the VOB. Applicants respectfully submit that the pack sectors in FIG. 27 are merely physical addresses and that each VOB may have a variable number of associated sectors, depending on the VOB size, such as sectors 1431-1432 associated with single VOB 1411. *See* Maruyama, FIG. 27; Col. 35, ll. 21-25 (two sectors per VOB). Because there is one navigation pack per VOB, the sectors will not correspond to a number

of navigation packs. Thus, the sector numbers, which are never stated to be stored numbers in the sectors but instead are more likely identifiers for figure description purposes, cannot indicate a number of navigation packs. Thus, Maruyama further lacks the recited number information.

The Examiner does not apply Mori for teaching any elements of the argued dependent claims, nor does Mori cure the differences between Maruyama and the dependent claims discussed above. Because Maruyama, alone or in combination with Mori, fails to disclose each and every element of claims 3, 4, 6, 17, 18, 20, 23, 24, 26, 29, 30, 32, 35, or 36 as previously presented, these references cannot anticipate or render obvious claims 3, 4, 6, 17, 18, 20, 23, 24, 26, 29, 30, 32, 35, or 36. Withdrawal of the rejection under § 103(a) to claims 3, 4, 6, 17, 18, 20, 23, 24, 26, 29, 30, 32, 35, or 36 is respectfully requested.

Provisional Claim Rejections - Double Patenting

Claims 1-7 and 12-39 stood provisionally rejected under nonstatutory obviousness-type double patenting as being unpatentable over claims in co-pending Application No. 10/766,211 in view of Maruyama. Applicants note that this rejection is not repeated, incorporated, or referenced in the Office Action, indicating it has been withdrawn.

CONCLUSION

In view of the above remarks, Applicants respectfully request allowance of claims 3, 4, 6, 17, 18, 20, 23, 24, 26, 29, 30, 32, 35, and 36. A notice to that effect is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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